

SECTION 6.85 DONATED LEAVE FOR EMPLOYEES ([IAC 11—63.19](#))

Last Update: 02/15

I. Policy

Noncontract covered employees, as well as employees covered by the American Federation of State, County, and Municipal Employees (AFSCME), United Electrical/Iowa United Professionals (UE/IUP), and State Police Officers Council (SPOC) collective bargaining agreements, are eligible to receive donated leave (vacation, compensatory leave, holiday compensatory leave and banked holiday time) hours for a catastrophic illness. These employees may also donate accrued leave (vacation) hours to another State employee.

Employees covered by the AFSCME collective bargaining agreement are also eligible to donate compensatory leave, holiday compensatory leave and banked holiday time to any State employee.

This policy includes Board of Regents and Community Based Corrections employees who are covered by the AFSCME collective bargaining agreement.

II. Definitions

- A. "Catastrophic Illness" means a physical or mental illness or injury, as certified by a licensed physician, that will result in the inability of the employee to work for more than 30 work days on a consecutive or intermittent basis.
- B. "Donated Leave" means vacation leave, compensatory time, and holiday compensatory time (hours) donated to employees. Recipients will not accrue vacation and sick leave benefits based on donated leave hours. Donated leave is not considered to be pay that the employee earned through the performance of service. It is payment of a monetary benefit only.
- C. "Employee" means a full-time or part-time executive branch employee who is eligible to accrue vacation. "Employee" also means the employee's designee.
- D. "Employer" means the executive branch of the State of Iowa, or one of the executive branch agencies. When applicable, it also means an appointed or elected chief administrative head of a department, commission, board, independent agency, or statutory office or that person's designee.

III. Program Eligibility

- A. In order to receive donated leave for a catastrophic illness, an employee, as defined in II-C above, must have a catastrophic illness, as defined in II-A above.
- B. The employee must:
 - 1. have exhausted all paid leave; and
 - 2. not supplement workers' compensation to the extent that it exceeds more than 100 percent of the employee's pay for his or her regularly scheduled work hours on a pay period-by-pay period basis; and
 - 3. not receive long-term disability (LTD) benefits; and
 - 4. be approved for and using or have exhausted Family and Medical Leave Act (FMLA) leave hours if eligible; and
 - 5. be on approved leave without pay for medical reasons during any hours for which he or she will receive donated leave.
- C. If an employee applies for and is approved to receive LTD benefits, they may continue to receive donated leave contributions for up to one year on an intermittent or continuous basis, or the long-term disability benefit effective date, whichever comes first.

IV. Certification Requirements

- A. The employee must submit a "Donated Leave for Catastrophic Illness Application" (CFN 552-0611) form completed by a physician.
- B. The physician's statement on the "Donated Leave for Catastrophic Illness Application" form is the basis for determining if an employee meets the requirements of the catastrophic illness definition. The employer will determine if the employee meets the remaining eligibility requirements in Part III-B.
- C. Employers may, at their department's initiative and expense, seek second opinions or updates from physicians regarding the status of an employee's illness or injury. If the employee is receiving FMLA leave, the second opinion must be obtained from a physician who is not employed by the State.

V. Program Requirements

- A. Hours shall be donated in whole-hour increments and designated as donated leave. However, donations may be credited to the recipient in other than whole hour increments. All of the recipient's accrued leave must be used before donations will be credited to the recipient. Hours will be credited in increments not to exceed the employee's regularly scheduled work hours on a pay period-by-pay period basis. Recipients will not accrue vacation or sick leave on donated leave hours.
- B. Approval for use of donated leave shall be for a period not to exceed one year either on an intermittent or continuous basis for each occurrence.
- C. Donated leave shall be irrevocable after it is credited to the recipient. Donated leave hours not credited to the recipient will not be deducted from the donor's leave balance.
- D. Donations shall be credited on a first-in/first-out basis according to the date on the "Donated Leave for Catastrophic Illness Contributions" (CFN 552-0612) form.
- E. Donated leave for catastrophic illness will not restrict the right to terminate probationary employees.
- F. The pay increase eligibility date will be extended by the amount of time the employee received donated leave if the leave is 30 days or longer. For AFSCME employees, the pay increase eligibility date will not be adjusted for any period of time during which the employee received donated leave.
- G. The employer shall post a "Donated Leave for Catastrophic Illness Request" (CFN 552-0620) form indicating that an employee is eligible to receive donated leave and the name of the person to contact for the donation forms. The employer is not required to post the request in other departments; however, donated leave hours can be received from executive branch employees outside the employing department.
- H. Leave without pay provisions shall apply to the following benefits: health, dental, life and long-term disability insurances; pre-tax; deferred compensation; flexible spending accounts (FSA); tax sheltered annuities; holiday pay; sick leave accrual; vacation leave accrual; shift differential pay; longevity pay and cash payments. In addition, employees receiving donated leave for catastrophic illness will not be eligible for leadworker pay, extraordinary duty pay or special duty pay. When FMLA leave and donated leave for a catastrophic illness are used concurrently, the State is obligated to pay its share of health and dental insurance as long as the employee continues his or her share of the premium, if any. Once FMLA is exhausted and the employee is receiving only catastrophic illness payments, the employee must pay the entire health and/or dental premium. The State also maintains an employee's basic life and long-term disability insurances during periods of medical leave for an employee's illness.
- I. Employees may choose to continue or terminate miscellaneous insurance, One Gift, and

credit union deductions while using donated leave hours. Mandatory deductions are taken from gross pay first, and then optional deductions as funds are available and as authorized by the employee. Union dues deductions will continue as long as the employee has sufficient earnings to cover the dollar amount certified to the employer after deductions for social security, federal taxes, state taxes, retirement, garnishments/wage assignments, health, dental, and supplemental life insurance premiums, and deductions for flexible spending accounts. Contributions to the employee's dependent care account will not be allowed during a period of leave without pay. Claims will not be paid for dependent care while an employee is on leave without pay, unless the employee is not capable of self-care.

- J. An employee may terminate donated leave contributions at any time.
- K. Donated leave hours are not tax-deductible.

VI. Recordkeeping

- A. The employing agency must maintain records pertaining to donated leave and must make these records accessible to State Auditors upon request.
- B. Records and documents relating to donated leave must be treated as confidential and maintained in the employee's confidential medical file. Supervisors, managers, first aid and safety personnel may be provided relevant information on a need-to-know basis.
- C. Information regarding recipients, donors, and the number of leave hours donated is confidential and will be treated as such by each agency involved. Donors also should treat information regarding the recipients, and the number of leave hours as confidential, but they are not prohibited from telling the recipient if they choose to do so.